

Background

The aim of the *Occupational Safety and Health Act 1984* is to promote and improve standards of occupational safety and health at work. WorkSafe, through its inspectors, is responsible for the firm and fair enforcement of the requirements of the Act and Occupational Safety and Health Regulations.

The inspectors

WorkSafe's inspectors are trained occupational safety and health practitioners appointed under the *Occupational Safety and Health Act 1984* to enforce the Act, assist in resolving issues in workplaces, and provide advice to employers and employees on how best to improve workplace safety and health performance.

Inspectors are organised into industry-based teams that cover most Western Australian workplaces outside the offshore petroleum and mining sectors, and are skilled in:

- general workplace safety and health issues;
- construction work on houses, high rise buildings, hospitals, schools and factories;
- demolition;
- machinery and plant;
- maintenance and inspection requirements for boilers, pressure vessels, cranes and lifts; and
- occupational health hazards.

WorkSafe inspectors also respond quickly to investigate workplace fatalities and serious injuries or occurrences, conduct industry intervention campaigns to correct systemic problems, and run short term enforcement drives and nationally driven campaigns to raise awareness of risk or hazards with the public.

Right of entry

An inspector has a legal right to enter at any time, any workplace including aircraft, ships and vehicles, where employees work or are likely to be in the course of their work.

Reasons for entering a workplace

Inspectors have the power to enter workplaces to ensure compliance with the Act and regulations.

Reasons include:

Industry intervention program where specific organisations, industries or hazards are identified, usually through industry based statistics. Some of these investigations are based upon workers' compensation claims information, while others involve a formal program of visits and follow-ups.

Accident or incident investigations undertaken to determine what happened and why, and how to prevent a recurrence or a similar incident in workplaces. A formal report is prepared as a result of these investigations, particularly if there has been a serious accident or death.

Reported breaches of the Act and regulations based upon complaints to WorkSafe.

Review of a provisional improvement notice.

Resolution of issues where an employer, safety and health representative or employee (where there is no safety and health representative) has notified an inspector, after unsuccessfully attempting to resolve a safety and health issue according to the Act, and where there is risk of imminent and serious injury or risk of imminent and serious harm to the health of any person (section 25 of the Act).

Proactive inspections – investigations initiated or generated by the inspectorate as a result of, or as required, while conducting field activities.

Notice follow-ups to check whether improvement or prohibition notices issued have been complied with.

Regulatory inspections where the regulations require certain inspections including for machinery and plant, scaffolding and some hazardous operations.

Contacting an inspector

To contact an inspector call 1300 307 877 and indicate the industry in which you work. Inspectors are rostered to provide advice to the public during business hours 8.00am to 5.00pm.

When an inspector calls

On entering a workplace an inspector will notify the employer or the person in charge of the workplace of his or her presence. The employer must then notify any elected safety and health representatives in the workplace.

An inspector may take into the workplace any equipment, materials or persons to assist in the inspection, and may also require from the employer or person at the workplace any assistance considered necessary by the inspector. This includes being accompanied by the employer, safety and health representatives or an employee (where there is no safety and health representative) during the inspection. The inspector then conducts the examination and inquiry as necessary for the purpose of the Act, and this may include:

- examining any plant, substance or thing;
- taking possession of any plant or thing for further examination or testing or for use as evidence;
- taking photos, measurements, sketches or recordings and informing the employer and safety and health representative of this, including when and where they may be viewed;
- requiring the production of any document or extracts of documents;
- examining and taking copies of documents;
- providing information; and

- interviewing, either in private or otherwise, any person at the workplace, or any person who has been at the workplace in the last two years, and taking a statutory declaration from them.

The inspector has the power to require that the workplace, or any part of it, be left undisturbed for as long as is specified by the inspector.

When leaving the site, the inspector will inform the employer and safety and health representative(s) of any action the inspector has taken or will be taking.

The fact that an inspector has inspected a particular workplace is not a representation by WorkSafe that the particular workplace is in any way approved or free of hazards.

Obstruction

It is an offence to obstruct, threaten or interfere with an inspector who is undertaking duties in accordance with the Act.

Improvement and prohibition notices

Where inspectors become aware of non-compliance with provisions of the Act and/or regulations they may issue verbal directions, improvement or prohibition notices, or commence prosecution action.

Any notices issued by an inspector (or copies) must be displayed in a prominent place at or near workplaces affected by each notice.

Further information

For further information on the powers of WorkSafe inspectors see Part V of the *Occupational Safety and Health Act 1984* (available online at www.slp.wa.gov.au)

For more information on WorkSafe notices read the publication *WorkSafe notices: improvement, prohibition and provisional improvement*, or visit the website www.worksafe.wa.gov.au



WorkSafe

Infoline 1300 307 877
(for the cost of a local call statewide)

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Regional offices

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Mid-West	(08) 9964 5644
North-West	(08) 9185 0900
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This publication is available upon request in other formats to assist people with special needs.

WorkSafe inspectors



Information on the role and powers of WorkSafe inspectors

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Department of Consumer and Employment Protection

